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10/809,172

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Timothy S. Paek

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EXAMINER

LOVEL, KIMBERLY M

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/809,172

Applicant(s)

PAEK ET AL.

Examiner

Kimberly Lovel

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/2/04 12/28/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-27 are rejected.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 2 July 2004 and 28 December 2005 were filed after the mailing date of the application on 25 March 2004 . The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

3. The drawings are objected to because page 9, line 9 of the applicants' specification states "Figure 5 displays a Dynamic view 600" instead of Dynamic view 500 as depicted in the drawings.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig 6, item 600 (item 600 is mentioned but in regards to the Dynamic view of Fig 5); Fig 7, item 700; Fig 8, item 800; and Fig 9, item 900.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 25 is objected to because the claim recites the limitation "the associated parameters" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-20 and 25-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1 and 25, the claims are for an interface. All of the elements claimed could be reasonably interpreted in light of the disclosure by an ordinary artisan as being software alone, and thus is directed to software *per se*, which is non-statutory.

According to MPEP section 2106:

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Therefore, in order for such a software claim to be statutory, it must be claimed in combination with an appropriate medium and/or hardware to establish a statutory category of invention and enable any functionality to be realized.

Claims 2-19, which are dependent on the system of claim 1 and claims 26-27, which are dependent on claim 25 fail to overcome the deficiencies of the claims, and therefore are rejected on the same grounds.

Regarding claim 20, the claim is for a system. However, all of the elements claimed could be reasonably interpreted in light of the disclosure by an ordinary artisan as being software alone, and thus is directed to software *per se*, which is non-statutory.

According to MPEP section 2106:

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data

structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Therefore, in order for such a software claim to be statutory, it must be claimed in combination with an appropriate medium and/or hardware to establish a statutory category of invention and enable any functionality to be realized.

To allow for compact prosecution, the examiner will apply prior art to these claims as best understood, with the assumption that applicant will amend to overcome the stated 101 rejections.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5, 10, 12, 15, 17 and 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by US PGPub 2005/0086217 to Kraft et al (hereafter Kraft et al).

**Referring to claim 1**, Kraft et al disclose a computerized interface for data presentation (see [0026], lines 1-4 and [0027], lines 2-3), comprising:

a lens component [the search result of interest] associated with a portion of a user interface display [web browser], the lens component defines an area [the amount

of the abstract to display] to display information [the URL and the abstract] from at least one search result (see [0027], lines 2-10); and

a layout component [zoom manager] that displays a detailed subset of information [the abstract] within the lens component [the search result of interest] based upon the search result (see [0027], lines 5-15).

**Referring to claim 2**, Kraft et al disclose the system of claim 1, further comprising at least one search engine and at least one local or remote database [web] to retrieve the search result (see [0027], lines 2-5).

**Referring to claim 3**, Kraft et al disclose the system of claim 1, the layout component [zoom manager] receives user inputs [the user engages the zoom out and zoom in feature] that operates, alters [alters the amount of details displayed in the abstract], or selects display criteria of the lens component and other search results (see [0027], lines 5-21).

**Referring to claim 4**, Kraft et al disclose the system of claim 3, further comprising one or more parameters [zoom level, a maximum search window, a random window flag, a base index, an offset value, a fix base index flag and a skip value] that effect the display criteria (see [0029], lines 1-7).

**Referring to claim 5**, Kraft et al disclose the system of claim 4, the parameters include at least one of a lens size, a lens shape, a lens location, a magnification factor [zoom level], a presentation rate, a delay, a trigger, and a minimum font size (see [0029], lines 3-4).

**Referring to claim 10**, Kraft et al disclose the system of claim 1, further comprising a display option for controlling a rate of magnification [zoom level] for the lens component by using a factor as a target and incrementally adjusting a zoom until the target is reached (see [0027], lines 5-11 and [0029] – the user continues to zoom until the zoom level meets the user's needs).

**Referring to claim 12**, Kraft et al disclose the system of claim 10, further comprising a parameter that controls a size of zoom increments [offset value] (see [0032], lines 1-4).

**Referring to claim 15**, Kraft et al disclose the system of claim 12, further comprising a content insertion parameter [offset value] that is adjusted according to a rate of insertion or according to a size of information chunks (see [0032]).

**Referring to claim 17**, Kraft et al disclose the system of claim 1, further comprising a display output associated with at least one of an instant information view [the original search results] and a dynamic information view [altering the zoom level] (see [0027]).

**Referring to claim 19**, Kraft et al disclose a computer readable medium [tangible media] having computer readable instructions [program source code] stored thereon for implementing the components of claim 1 (see [0026], lines 12-15).

**Referring to claim 20**, Kraft et al disclose a system for displaying query results, comprising:

means [search engine] for retrieving search results from a database [web] (see [0027], lines 2-10);



means for processing the search results in accordance with a lens (see [0027], lines 2-10); and

means [web browser] for displaying at least one search result from within the lens [the search result of interest] and other search results outside the lens [the other search results] (see [0027], lines 5-15).

**Referring to claim 21**, Kraft et al disclose a method for automatic search result organization, comprising:

defining [initializing] a plurality of parameters [zoom level, a maximum search window, a random window flag, a base index, an offset value, a fix base index flag and a skip value] for displaying search results (see [0029], lines 1-7);

defining a lens region to display at least one of the search result (see [0027], lines 2-10); and

displaying at least one of the search results within the lens region and at least one other search result outside the lens region (see [0027], lines 2-15).

**Referring to claim 22**, Kraft et al disclose the method of claim 21, the parameters include at least one of a lens size, a lens shape, a lens location, a magnification factor [zoom level], a viewing rate, a delay, a trigger, and a minimum font size (see [0029], lines 3-4).

**Referring to claim 23**, Kraft et al disclose the method of claim 22, further comprising providing a focal center [base index] for the lens region (see [0032], lines 1-4).

**Referring to claim 24**, Kraft et al disclose the method of claim 23, further comprising controlling a rate of magnification [zoom level] for the lens region by using a factor as a target and incrementally adjusting a zoom until the target is reached (see [0027], lines 5-11 and [0029] – the user continues to zoom until the zoom level meets the user's needs).

**Referring to claim 25**, Kraft et al disclose a graphical user interface [web browser], comprising:

one or more data items and associated results [search results] retrieved from a database [web] (see [0027], lines 2-10);

one or more display objects created for the data items [the URL and the abstract] (see [0027], lines 4-5);

an input component [web browser] for selecting the data items and the associated parameters (see [0029], lines 1-7); and

a lens component to present at least one of the display objects in a different format with respect to a collection of the data items (see lines [0027], 2-15).

**Referring to claim 26**, Kraft et al disclose the interface of claim 25, further comprising controls for interacting with a search engine, a database, the display objects or the lens component (see [0027], lines 15-18).

**Referring to claim 27**, Kraft et al disclose the interface of claim 25, the display objects are associated with at least one of text insertion [expanding the number of words in the abstract], query-relevant text insertion, thumbnails of a web page,

information about a size of a result, a download speed, and a recency of a page (see [0027]).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 6, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2005/0086217 to Kraft et al as applied respectively to claims 1 and 12 above, and further in view of US PGPub 2004/0030741 to Wolton et al (hereafter Wolton et al).

**Referring to claim 6**, Kraft et al disclose a lens component. However, Kraft et al fail to explicitly disclose the further limitation of at least one other lens component to

display information. Wolton et al disclose graphical visualization of retrieved content (see abstract), including the limitations of a lens component [408] and at least one other lens component [400] to display information (see Fig 8b) in order to provide the search engine with maximum efficiency when displaying search results that pertain to the user.

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of multiple lens components as disclosed by Wolton et al with the display of Kraft et al. One would have been motivated to do so in order to provide the search engine with maximum efficiency when displaying search results that pertain to the user.

**Referring to claim 13**, Kraft et al disclose zoom increments. However, Kraft et al fail to explicitly disclose the further limitation wherein the zoom increments are controlled with a step function. Wolton et al disclose zoom increments, including the further limitation wherein the zoom increments are controlled with a step function (see [00561], lines 3-9) in order to provide the a user-friendly interface.

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of using steps to define the increments as disclosed by Wolton et al with the display of Kraft et al. One would have been motivated to do so in order to provide the a user-friendly interface.

**Referring to claim 16**, Kraft et al disclose a computerized interface for data presentation. However, Kraft et al fail to explicitly disclose the further limitation of a control panel [control panel] to allow designers to adjust display parameters

[presentation attributes] for the lens component or the layout component (see [0468]) in order to provide the a user-friendly interface.

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of a control panel as disclosed by Wolton et al with the display of Kraft et al. One would have been motivated to do so in order to provide the a user-friendly interface.

12. Claims 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2005/0086217 to Kraft et al as applied to claim 1 above, and further in view of US PGPub 2002/0083101 to Card et al (hereafter Card et al).

Referring to claim 7, Kraft et al disclose a lens component. However, Kraft et al fail to explicitly disclose the further limitation wherein the lens component is a fisheye lens. Card et disclose displaying search results (see abstract), including the further limitation wherein the lens component is defined as a fisheye lens that is applied vertically to a display at about a focal center of the display (see [0081], lines 6-9 and [0114]) in order to provide the a user-friendly interface.

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of a fisheye lens as disclosed by Card et al with the display of Kraft et al. One would have been motivated to do so in order to provide the a user-friendly interface.

**Referring to claim 8**, the combination of Kraft et al and Card et al (hereafter Kraft/Card) discloses the system of claim 7, the focal center includes one result item

comprising a title, description [region 1710] (Card et al: see [0114]), and URL of a web page.

**Referring to claim 9**, Kraft/Card discloses the system of claim 7, the fisheye lens is associated with a piecewise view (Card et al: see [0114]).

13. Claims 11, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2005/0086217 to Kraft et al as applied respectively to claims 10, 12 and 17 above, and further in view of US PGPub 20050168488 to Montague (hereafter Montague).

**Referring to claim 11**, Kraft et al disclose a displaying content. However, Kraft et al fail to explicitly disclose the further limitation of animated content. Montague discloses displaying information (see abstract) including the further limitation of a display of animated content that enlarges and settles into a maximum size (see [0010]).

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of displaying animated content as disclosed by Montague with the display of Kraft et al. One would have been motivated to do so in order to provide the a user-friendly interface that can display different types of information.

**Referring to claim 14**, Kraft et al disclose a displaying content. However, Kraft et al fail to explicitly disclose the further limitation of geometric or exponential functions that allow data to grow or settle at varying acceleration. Montague discloses displaying information (see abstract) including the further limitation of geometric or exponential functions that allow data to grow or settle at varying acceleration (see [0054]).

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of geometric functions as disclosed by Montague with the display of Kraft et al. One would have been motivated to do so in order to provide the a user-friendly interface that can display different types of information.

**Referring to claim 18**, Kraft et al disclose a dynamic information view. However, Kraft et al fail to explicitly disclose the further limitation wherein the dynamic information view is coordinated with an amount of content to progressively insert content into a description according to time a mouse hovers over a particular result. Montague discloses displaying information (see abstract) including the further limitation wherein the dynamic information view is coordinated with an amount of content to progressively insert content into a description according to time a mouse hovers over a particular result (see [0016]).

It would have been obvious to one of ordinary skill at the time the invention was made to use the feature of a hovering mouse as disclosed by Montague with the display of Kraft et al. One would have been motivated to do so in order to provide the a user-friendly interface.

***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kimberly Lovel  
Examiner  
Art Unit 2167

14 September 2006  
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